

CA

TO: **Joyce M. Grossnickle, Administrative Officer**FROM: Alan J Hudak, Director, Division of Public Works ~~AWA~~

DATE: October 10, 2008

**Subject:** Pinecliff Park Paving, Contract No 07-CP-56, Change Order No 9**Presenter (Name & Title):** Charles Nipe, Dept Head, DCM/ David Ennis, P E , Dept Head, DPDM**Requested Date:** Next Available

10-30-08

**Phone:** x11689**Type of Briefing: (Click box to select)**

Administrative Business



Worksession



Closed Session



BOCC/BOE Mtg



County/Municipal Mtg



Public Hearing

**Board Action Desired:**

Decision



Guidance



Information



PowerPoint Presentation

**RECEIVED**

OCT 24 2008

Office of

Administrative Officer

**Staff Coordination:** This topic has been **thoroughly** coordinated with the following Division/Department Directors, and they will have representatives at the presentation (click to place a check mark in the appropriate box)

|   | Staff                        | Initials | Date     | Comments |
|---|------------------------------|----------|----------|----------|
|   | County Attorney              |          |          |          |
| ✓ | County Manager               | BS       | 10/27/08 |          |
| ✓ | Finance Director             | QEK      | 10/14/08 |          |
| ✓ | Budget Officer               | JS       | 10-16-08 |          |
|   | Fire & Rescue Services Dir   |          |          |          |
|   | Management Services Director |          |          |          |

|   | Staff   | Initials | Date     | Comments |
|---|---|----------|----------|----------|
|   | Permitting & Development Review Director      |          |          |          |
|   | Planning Director                             |          |          |          |
| ✓ | Public Works Director                         | AWJ      | 10/15/08 |          |
|   | Utilities and Solid Waste Management Director |          |          |          |
|   | Elected Officials                             |          |          |          |
|   | Independent Agencies                          |          |          |          |
| ✓ | Other<br>Paul Dial, Parks & Rec               | PD       | 10/16/08 |          |

Attachments



Yes



No

**PLEASE NOTE:** The **original and 10 copies** of all attachments (including the coordination sheet) are required for the Board of County Commissioners' meetings, which includes the Joint BOCC/BOE Meeting and the County/Municipal MeetingIf you are scheduled for a **Closed Session**, then you only need to submit the **original and nine (9) copies** of the back-up material. Back-up materials are due to the Administrative Officer **ONE WEEK IN ADVANCE** of the meeting. If materials are not received in a timely manner, you will be asked to reschedule your item.

**FREDERICK COUNTY DIVISION OF PUBLIC WORKS**

DEPARTMENT OF CONSTRUCTION MANAGEMENT / INSPECTION

118 North Market Street

Frederick, Maryland 21701

(301) 694-2079

**CONTRACT NO:** 07-CP-56**PROJECT:** Pinecliff Park Pave & Shelter**DATE:** 6/5/2008**NOTICE TO PROCEED:** 9/29/2007**CONTRACT CHANGE ORDER****CHANGE ORDER No. 00009**

Change Order No.9

**DESCRIPTION OF CHANGE ORDER**

Add New Item No 66 - Restocking fee for geotextile fabric returned to supplier due to parking lot pavement redesign which resolves any and all issues/claims for the roadway pavement except for the one year warranty period after final inspection acceptance

| Item                   | Description   | Quantity | Units | Unit Price | Amount            |
|------------------------|---|----------|-------|------------|-------------------|
| 00001                  | Add new item No 66- Restocking fee for Geotextile Fabric returned to supplier | 1        | 000   | \$4,410.61 | \$4,410.61        |
| <b>Unit Item Cost:</b> |   |          |       |            | <b>\$4,410.61</b> |
| <b>Lump Sum:</b>       |   |          |       |            | <b>\$0.00</b>     |
| <b>Total:</b>          |   |          |       |            | <b>\$4,410.61</b> |

**The Original Contract Sum was:** \$1,256,857.00**Net Change by Previously Authorized Requests and Changes:** \$298,295.46**The Contract Sum Prior to This Change Order was:** \$1,555,152.46**The Contract Sum Will be Increased:** \$4,410.61**The New Contract Sum Including This Change Order:** \$1,559,563.07**The Contract Time Will Not Be Changed:****The Date of Substantial Completion as of this Change Order Therefore is:** 6/14/2008**CONTRACTOR'S ACCEPTANCE**

THE TERMS AND CONDITIONS OF THIS CHANGE ORDER, INCLUDING THE AMOUNT AND TIME CONTAINED HEREIN CONSTITUTE A FULL ACCORD AND SATISFACTION BY THE COUNTY AND THE CONTRACTOR FOR ALL COSTS AND TIME OF PERFORMANCE RELATED TO THE ACTIONS DESCRIBED OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, DELAY AND IMPACT COSTS FOR THE WHOLE PROJECT RESULTING FROM THIS CHANGE ORDER

EXCEPT AS AMENDED HEREIN, ALL PROVISIONS OF THE CONTRACT REMAIN IN FULL FORCE AND EFFECT

**10/9/08 Ox Construction Corporation**

DATE

CONTRACTOR

AUTHORIZED REPRESENTATIVE

**FREDERICK COUNTY, DEPARTMENT HEAD  
DEPT OF CONSTRUCTION MANAGEMENT / INSPECTION**

BY

DATE

**FREDERICK COUNTY, DIRECTOR  
DIVISION OF PUBLIC WORKS**

BY

DATE

**BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY**

BY

DATE

FREDERICK COUNTY DIVISION OF PUBLIC WORKS  
DEPARTMENT OF CONSTRUCTION MANAGEMENT / INSPECTION  
118 North Market Street  
Frederick, Maryland 21701  
(301) 694-2079

CONTRACT NO:07-CP-56

PROJECT: Pinecliff Park Pave & Shelter

DATE: 6/5/2008

NOTICE TO PROCEED: 9/29/2007

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AUTHORIZED REPRESENTATIVE

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DEPT. OF CONSTRUCTION MANAGEMENT / INSPECTION

BY

DATE

FREDERICK COUNTY, DIRECTOR  
DIVISION OF PUBLIC WORKS

BY

DATE

BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY

BY

DATE



**Frederick County Division of Public Works**  
**DEPARTMENT OF CONSTRUCTION MANAGEMENT & INSPECTION**

118 North Market Street

Frederick, Maryland 21701

(301) 600-2079 • Fax (301) 600-3517

DIRECTOR  
Alan Hudak, P E

DEPARTMENT HEAD  
Charles F. Nipe

**CHANGE ORDER MEMO**

October 10, 2008

**To:** The Board of County Commissioners of Frederick County

**Through:** Alan J. Hudak, P E, Director, Division of Public Works *AJH*

**Through:** David Ennis, P E, Department Head, Dept of Program Development & Management *DE*

**Through:** David Grossweiler, P E, Engineering Manager, Dept of Program Development & Management *dis*

**Through:** Kevin Vida, Project Manager, Dept of Program Development & Management *KV*

**Through:** Charles Nipe, Department Head, DPW, Dept of Construction Mgmt and Inspection *CN*

**From:** Bob Goodell, Programs Manager, DPW, Dept of Construction Mgmt and Inspection *ROH*

**RE:** Pinecliff Park Paving & Shelter Replacement Project  
Contract Number: 07-CP-56  
Change Order No. 9 – Restocking Fees for Geotextile Fabric

**ISSUE**

Should the Board of County Commissioners of Frederick County approve the attached Change Order No. 9 for the above referenced project, which provides total compensation to the contractor in the amount of \$4,410.61?

**BACKGROUND**

On February 21, 2008, the BOCC approved Change Order No. 3, which contained a revision to the roadway paving plan for Pinecliff Park. This change order added the SHA geotextile and Mirafi BAS 12 geotextile fabric to the contract as part of the revision plan for a total cost not to exceed \$287,520.00.

Based on the April 3, 2008 meeting with Whitney, Bailey, Cox & Magnani Engineering, a more cost effective paving repair plan was developed. The revised paving plan eliminated two item quantities, SHA woven geotextile fabric and Mirafi BAS 12 geotextile fabric. Staff requested that the contractor return the material to the supplier. Upon returning the material a restocking fee of \$4,410.61 was charged by the supplier. When staff requested the material to be returned, we were unaware of the associated restocking fee, therefore, it was excluded in the original change order.

**RECOMMENDATION**

Staff recommends approval of Change Order No. 9, which is considered to be an unforeseen condition.

Upon execution of Change Order No. 9, please return both originals to Lori Rhodes of this office.

cc Project File

**Total days:** 80